

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 3, 2006

MISC. ORDER 2006-003

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on April 6, 2006, and April 7, 2006, or until his return. (See Cal, Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Scotland, P.J.

April 4, 2006

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|----------------|---|------------------------------|
| C046603 | THE PEOPLE v. GARCIA
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Morrison, J. | (Not for Publication) |
| C047324 | THE PEOPLE v. McCLISH
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Raye, J. | (Not for Publication) |
| C048513 | THE PEOPLE v. PETERS
The judgment is affirmed.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Morrison, J. | (Not for Publication) |
| C049026 | THE PEOPLE v. HAMBLIN
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Morrison, J. | (Not for Publication) |
| C050392 | THE PEOPLE v. STONE
The judgment is modified... In all other respects, the judgment is affirmed.
CANTIL-SAKAUYE, J.
I concur: Raye, J.
I concur in parts I and III of the majority opinion.
I respectfully dissent from part II...
SIMS, Acting P.J. | (Not for Publication) |

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 4, 2006, continued

C049449 ELLEDGE et al. v. CULBERTSON et al. and MARVEL

(Not for Publication)

The judgment (order denying set-aside motion) is affirmed. Respondents shall receive their costs on appeal. (Cal. Rules of Court, rule 27(a).)

SIMS, Acting P.J.

We Concur: Morrison, J.

Cantil-Sakauye, J.

C050008 TAYLOR et al. v. ROSEVILLE TOYOTA, INC.

(Not for Publication)

The judgment and order denying appellant's motion for judgment notwithstanding the verdict are affirmed. Costs on appeal are awarded to respondents. (Cal. Rules of Court, rule 27(a).)

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Morrison, J.

C050675 VOGT et al. v. SUPERIOR COURT OF MODOC COUNTY and SX RANCH, INC.

(Not for Publication)

The petition is denied. The alternative writ is discharged as improvidently granted and this court's stay order is dissolved. Real Party in Interest SX Ranch, Inc. shall recover its costs. (Cal. Rules of Court, rule 56(1)(1).)

BLEASE, Acting P.J.

We Concur: Sims, J.

Morrison, J.

**C051436 THE PEOPLE v. RUIZ
BY THE COURT:**

Appellant has been notified pursuant to rule 17(a)(1) of the California Rules of Court and has not filed the appellant's opening brief or requested the appointment of counsel. Therefore, the appeal filed on December 9, 2005, is dismissed.

SCOTLAND, P.J.

**C049428 REPUBLIC WESTERN INSURANCE COMPANY v. MAHARAJ et al.
BY THE COURT:**

Appellants' petition for rehearing is denied.

SIMS, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 5, 2006

- C048410 THE PEOPLE v. SEVERANCE (Certified for Partial Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Blease, Acting P.J.
 Nicholson, J.
- C049765 THE PEOPLE v. TRUJILLO (Not for Publication)**
The Attorney General does concede that section 654 prohibits punishing defendant for both false personation and giving false identification to a peace officer because both counts involved the same act of giving the arresting officer the wrong name. Therefore, we modify the judgment to stay the sentence on count four, providing false identification to a peace officer.
As modified, the judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
 Davis, J.
- C045386 TOYS “R” US, INC., et al. v. FRANCHISE TAX BOARD (CERTIFIED FOR PUBLICATION)**
The judgment is affirmed. The FTB shall recover costs on appeal.
RAYE, J.
We Concur: Blease, Acting P.J.
 Morrison, J.
- C049329 SOUZA, A Minor, etc. v. SQUAW VALLEY SKI CORPORATION et al. (CERTIFIED FOR PUBLICATION)**
The judgment is affirmed. (CERTIFIED FOR PUBLICATION)
DAVIS, Acting P.J.
We Concur: Robie, J.
 Cantil-Sakauye, J.
- C049386 McCRAY v. PACIFIC BELL (Not for Publication)**
The judgment is affirmed. Pacific Bell shall recover its costs on appeal. (Cal. Rules of Court, rule 27 (a)(1).)
ROBIE, J.
We Concur: Morrison, Acting P.J.
 Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

April 5, 2006, continued

**C050804 In re MARY J. et al. v. CALAVERAS COUNTY WORKS AND HUMAN
SERVICES AGENCY v. RUBY J. (Not for Publication)**

The judgment is affirmed.

DAVIS, J.

We Concur: Scotland, P.J.
 Sims, J.

April 6, 2006

C046895 THE PEOPLE v. REESE (Not for Publication)

The judgment is reversed as to the attempted murder conviction and sentence (count 1), and the corresponding enhancements are stricken. In all other respects, the judgment is affirmed...

DAVIS, J.

We Concur: Blease, Acting P.J.
 Hull, J.

C047916 THE PEOPLE v. CRAVER (Not for Publication)

The judgment is affirmed.

SIMS, J.

We Concur: Scotland, P.J.
 Davis, J.

C049488 THE PEOPLE v. BAROCIO (Not for Publication)

The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment showing the correct number of custody credits and to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Morrison, Acting P.J.
 Cantil-Sakauye, J.

C048060 In re ALEX M.; THE PEOPLE v. ALEX M. (Not for Publication)

The juvenile court's orders imposing a 2 percent fee for the collection of restitution and a \$20 dollar court security fee are stricken...

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.
 Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

April 7, 2006

- C048342 THE PEOPLE v. HIGGINS (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
 Davis, J.
- C049287 THE PEOPLE v. BOBBIT (CERTIFIED FOR PUBLICATION)**
The appeal is dismissed.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
 Raye, J.
- C049441 THE PEOPLE v. CHA (Not for Publication)**
The judgment (order granting probation) is reversed and the case is
remanded to the trial court with directions to set aside its order...
ROBIE, J.
I concur: Butz, J.
I disagree with the majority's conclusion...
 Morrison, Acting P.J.
- C049621 THE PEOPLE v. PATTON (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The
trial court is directed to amend the abstract of judgment to separately state the
fee, penalty assessments, and surcharges included in that aggregate amount,
and to forward a certified copy of the amended abstract to the Department of
Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Sims, J.
 Davis, J.
- C049109 KREIG et al. v. PROGRESSIVE WEST INSURANCE COMPANY (Not for Publication)**
The judgment is affirmed. Respondent is awarded costs on appeal. (Cal.
Rules of Court, rule 27 (a).)
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
 Morrison, J.

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April 7, 2006, continued

We Concur: Nicholson, J.
 Robie, J.

(Not for Publication)

We Concur: Blease, Acting P.J.
 Nicholson, J.

SIMS, Acting P.J.